

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
9750-1

First named inventor: TALEYARKHAN, RUSI P.

Application No.: 10/692,755

Art Unit: 3663

Filed: October 27, 2003

Examiner: PALABRICA, RICHARDO J.

Title:

METHODS & APPARATUS TO INDUCE D-D AND D-T REACTIONS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of RESPONSE TO NON-FINAL OFFICE ACTION (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Neil R. Jetter
Typed or printed name

Akerman Senterfitt, 222 Lake View Avenue, Suite 400
Address

West Palm Beach, FL 33401-6183
Address

12/27/06
Date

46,803
Registration Number, if applicable

561-659-6313
Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: ASSIGNMENT AND CONFIRMATORY LICENSE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature
Neil R. Jetter

Typed or printed name of person signing certificate

Explanation

The present application was abandoned on December 27, 2005 based on a filing for express abandonment by the previous Assignee, the U.S. Department of Energy. The abandonment occurred without the knowledge of Inventor Rusi Taleyarkhan (and likely the other named Inventor). After finding about the abandonment around October 2006, Rusi Taleyarkhan obtained all rights to the present application (assignment attached), and has taken affirmative and timely actions to continue prosecution of the present case, including the selection of the present patent counsel and the preparation of a Reply to the outstanding Office Action mailed September 27, 2005. Thus, with regard to the current assignee Inventor Rusi Taleyarkhan, the present application was unintentionally abandoned. This petition to revive is accompanied by a fully responsive Reply to the Office Action mailed September 27, 2005, for which a lack of response led to the abandonment.

ASSIGNMENT AND CONFIRMATORY LICENSE

TITLE: **METHOD AND APPARATUS TO INDUCE D-D AND D-T REACTIONS**

INVENTORS: Rusi P. Taleyarkhan and Colin D. West

SERIAL NO.: 10/692,755 FILING DATE: 10/27/2003

Co-inventor Rusi P. Taleyarkhan, having requested transfer of the rights in the subject invention and having been agreed to by the Department of Energy and the co-inventor, Colin D. West, Rusi P. Taleyarkhan can now acquire title to the above identified invention as set forth herein. Therefore:

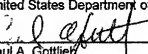
Assignment: The United States Government, as represented by the Department of Energy (the Assignor), owner of the entire right, title, and interest in and to the subject invention (as recorded in the USPTO at Reel 016549, Frame 0293, on July 21, 2005), hereby assigns and transfers to Rusi P. Taleyarkhan (the Assignee), the entire right, title and interest, such as may exist, in and to the subject invention and resulting patents, except for a paid-up license to the U.S. Government and such other rights required to be retained and reserved for the U.S. Government by operation of 35 U.S.C. 202, 203 and 204. This assignment is pursuant to authority contained in 35 U.S.C. 202(d). It is understood that the U.S. Government makes no warranty or representation that any such invention rights continue to exist.

License: This document also confirms the paid-up license reserved to the U.S. Government mentioned in the preceding paragraph.

APPROVED AND GRANTED on behalf of the Government of the United States on this

13th day of October, 2006.

United States Department of Energy (Assignor)



Paul A. Gottlieb
Assistant General Counsel for
Technology Transfer and Intellectual Property

APPROVED, ACCEPTED AND CONSENTED TO this Eleven (11) day of

October, 2006.

Rusi P. Taleyarkhan (Assignee)

